

## MEMBER PARTICIPATION AND ELIGIBILITY

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## MEMBER PARTICIPATION AND ELIGIBILITY

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### Mandatory Participation

Participation in the ERS is mandatory if the position is:

1. non-temporary or permanent
2. on at least a half-time (50%) basis, and
3. earning at least the federal minimum wage.

To classify a position as *temporary* and therefore ineligible to participate in ERS, the temporary position must have a predetermined termination date with the employment period lasting one year or less.

**Note:** Certain officials who meet the above requirements and are elected to office after the adoption of the Constitutional Amendment authorizing participation in the ERS are required to participate.

### ***New Members***

New employees, including those previously employed with an agency participating in the ERS or Teachers' Retirement System (TRS), should complete a FORM 100, MEMBER INFORMATION RECORD. Once enrolled, the member must continue participation until employment is terminated, even if the employment is less than half-time (50%). Once the agency submits the employee's enrollment form to the ERS, the new member will be mailed an ERS Summary Plan Description.

- Regular members must contribute five percent (5%) of earnable compensation.
- Full-time, certified firefighters, correctional officers, or law enforcement officers, who are not covered as State Policemen, must contribute six percent (6%) of earnable compensation.
- State Police must contribute ten percent (10%) of earnable compensation.

### ***Temporary Employees Employed Longer Than One Year***

Temporary employees employed longer than one year and who are employed on at least a one-half (50%) basis and who earn the prevailing minimum wage must begin participation in the ERS at the beginning of the second consecutive year of employment. The member will be given an opportunity to purchase the first year of temporary employment as error service.

### Exceptions for ERS Participation

- Active members of the TRS
- Persons in receipt of a retirement benefit from the ERS (See Postretirement Employment)

- Retired members of the TRS employed on a part-time basis with an ERS member agency (See Postretirement Employment)
- Employees who elected not to participate at the time their employing agency joined the ERS and who remain continuously employed
- Temporary employees with a specific termination date not exceeding one year
- Employees specifically excluded from participation by the unit resolution

## **Transfers from other ERS/TRS Agencies**

If the member previously worked for an agency covered under the TRS, a TR-1 form, TRANSFER OF MEMBERSHIP FROM THE TEACHERS' RETIREMENT SYSTEM, must be completed in order to transfer service credit established in the TRS to the ERS. The TRS does not automatically transfer service credit to the ERS. The member must authorize this transfer.

If a member is transferring from one ERS agency to another ERS agency, a TR-2 form, TRANSFER OF MEMBERSHIP FROM THE EMPLOYEES' RETIREMENT SYSTEM, should not be submitted. However, the member should complete and submit a new Form 100.

A withdrawn account under the TRS or ERS is not transferable because the service was cancelled due to the member's refund of contributions upon termination of employment.

Any member who previously participated in either the ERS or the TRS and withdrew his or her contributions and again becomes a member may, upon the completion of two years contributing membership service, restore the previously cancelled creditable service provided the member has not established credit for the previously withdrawn service with any other public retirement system. The member must make a lump sum payment of the withdrawn amount plus eight percent interest compounded from the date of withdrawal to the date of payment. Payment must be made prior to termination of employment.